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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,805	01/15/2002	Yoshihiro Nakami	MIPFP002	6021

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MARTINE PENILLA & GENCARELLA, LLP
710 LAKEWAY DRIVE
SUITE 200
SUNNYVALE, CA 94085

EXAMINER

BRINICH, STEPHEN M

ART UNIT PAPER NUMBER

2624

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/051,805

Applicant(s)

NAKAMI ET AL.

Examiner

Stephen M. Brinich

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/13/02, 11/27/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☒ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: See Continuation Sheet.

Continuation of Attachment(s) 6). Other: IDS filed 3/24/03, 10/27/03, 11/18/04, 1/31/05, 8/1/05.

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DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 26 & 49 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 26 & 49 are drawn to functional descriptive material NOT claimed as residing on a computer readable medium. MPEP

2106.IV.B.1(a) (Functional Descriptive Material) states:

Data structures not claimed as embodied in a computer-readable medium are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer.

Such claimed data structures do not define any structural or functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized.

Examiner suggests the use of the following statutory language: "a computer program stored in a computer readable medium having executable instructions for a computer to perform the functions... [describe functions]".

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Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7, 9-14, 16-18, 20-22, 24-34, 36-46, & 48-50 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakatsuka (US 6229625).

Re claims 1, 6, 9, 24-25, 27, 36-38, & 48-50, Nakatsuka discloses (Abstract; Figures 1-2; column 1, line 58 - column 2, line 26) a graphics processing device and method for image quality correction. The image quality properties are analyzed to acquire image quality property information indicative of a designated image quality property (an "image processing parameter" associated with a designating "keyword"). An image quality adjustment is carried out on the basis of graphics processing control information ("a magnitude of a parameter adjuster") and the image quality property (the previously

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recited "image processing parameter" which is referenced by a keyword) to produce an output graphics file from the result.

Re claims 2, 10, 21, 30, 32, 41, & 43, Nakatsuka further discloses (column 6, lines 16-18 & 56-60) a plurality of image quality properties.

Re claims 3, 11, 16-17, 20, 28-33, 39-43, & 45, Nakatsuka further discloses (Figure 7; column 7, lines 38-42) the use of a determined "Standard" image quality parameter.

Re claims 4-5 & 11-13, Nakatsuka further discloses (column 1, lines 4-6; column 11, lines 24-33) an adjustment to the image processing parameter (which inherently increases or decreases it in any case where the "adjustment" is nonzero).

Re claims 7, 14, 18, 22, 33, & 45, one of the image quality properties is noise level (which is clearly related to noise reduction).

Re claims 26, 44 & 49, Nakatsuka further discloses (Figure 1) a computer-based implementation of this graphics processing device and method.

Re claims 34 & 46, Nakatsuka further discloses (Figures 6-7; column 7, lines 32-43) the display and selection of image quality adjustment processing conditions.

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Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8, 15, 19, 23, 35, & 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakatsuka in view of Shiota et al (EP 0838939).

Re claims 8, 15, 19, 23, 35, & 47, Nakatsuka does not disclose expressly the storage of image data and graphics processing control information in one file.

Shiota et al discloses (column 2, lines 50-56) the storage of image data and graphics processing control information in one file.

Nakatsuka and Shiota et al are combinable because they are from the field of digital image processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to store of image data and graphics processing control information in one file.

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The suggestion/motivation for doing so would have been to enable the processing of an image without the need to repeatedly determine a set of graphics processing control information to produce desired results (as noted by Shiota et al at column 2, lines 11-21).

Therefore, it would have been obvious to combine Nakatsuka with Shiota et al to obtain the invention as specified in claims 8, 15, 19, 23, 35, & 47.

Conclusion

7. Any inquiry concerning the contents of this communication or earlier communications from the examiner should be directed to Stephen M. Brinich at 571-272-7430.

Any inquiry relating to the status of this application or proceeding or any inquiry of a general nature concerning application processing should be directed to the Tech Center 2600 Customer Service center at 571-272-2600 or to the USPTO Contact Center at 800-786-9199 or 703-308-4357.


The examiner can normally be reached on weekdays 7:00-4:30, alternate Fridays off.

If attempts to contact the examiner and the Customer Service Center are unsuccessful, supervisor David Moore can be contacted at 571-272-7437.

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Faxes pertaining to this application should be directed to the Tech Center 2600 official fax number, which is 571-273-8300 (as of July 15, 2005).

Hand-carried correspondence may be delivered to the Customer Service Window, located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314.


Stephen M Brinich
Examiner
Technology Division 2625

smb
February 16, 2006